

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**GARDEN CITY BOXING CLUB, INC.,**

**04 CV 3472 (NG) (VVP)**

**Plaintiff,**

**- against -**

**ORDER**

**RAFAEL CRUZ and HUMACAO  
RESTAURANT,**

**Defendants.**

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**GERSHON, United States District Judge:**

By order dated January 6, 2005, the court granted default judgment to plaintiff and referred this matter to the Honorable Viktor V. Pohorelsky, United States Magistrate Judge, for a report and recommendation concerning damages. Judge Pohorelsky issued a report and recommendation dated November 4, 2005, recommending that plaintiff be awarded \$3,330 in statutory damages and \$2,205 in attorney's fees and costs. An affidavit of service filed by plaintiff indicates that the report and recommendation was served on defendant by regular mail on November 9, 2005. Defendants have not filed any objections.

Having reviewed the unopposed report and recommendation of Magistrate Judge Pohorelsky, the court now adopts the recommendation contained therein. Defendants are hereby ordered to pay plaintiff \$3,330 in statutory damages and \$2,205 in attorney's fees and costs. The Clerk of Court is directed to close this case.

**SO ORDERED.**

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/S/  
**NINA GERSHON**  
**United States District Judge**

Dated: Brooklyn, New York  
December 15, 2005